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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/667,207	09/18/2003	Gregory C. Burnett	ALHP010X	7159
53186 7590 03/11/2009 COURTNEY STANIFORD & GREGORY LLP P.O. BOX 9686 SAN JOSE, CA 95157				
EXAMINER				
LAO, LUN S				
ART UNIT		PAPER NUMBER		
2614				
MAIL DATE		DELIVERY MODE		
03/11/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary****Application No.**

10/667,207

**Applicant(s)**

BURNETT ET AL.

**Examiner**

LUN-SEE LAO

**Art Unit**

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**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 April 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3,6,8-13,15-17,21,22,26,28-32,35,37-39,41 and 45-49 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,6,8-13,15-17,21,22,26,28-32,35,37-39,41 and 45-49 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Introduction*

1. This communication is responsive to the amendment filed on 01-09-2009.

Claims 1, 2, 6, 8, 12, 21, 22, 26, 35, and 39 have been amended herein. Claims 4, 5, 7, 14, 18-20, 23-25, 27, 33, 34, 36, 40, and 42-44 have canceled ; and claims 47-49 have been added. Claims 1-3, 6, 8-13, 15-17, 21-22, 26, 28-32, 35, 37-39, 41 and 45-49 are pending.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3, 6, 8-13, 15-17, 21-22, 26, 28-30, 32, 35, 37-39 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Silverberg et al (US PAT. 5,406,622) in view of Holzrichter (US PAT. 5,729,694).

Consider claim 1 Silverberg teaches a method for removing noise from acoustic signals, comprising:

receiving at least two acoustic signals using at least two acoustic microphones(see fig.1 (10,11)) positioned in a plurality of locations;

receiving a voice activity signal that includes information on vibration of human tissue associated with human voicing activity of a user;

generating a voice activity detection (VAD) signal using the voice activity signal; generating at least two transfer functions representative of a ratio of energy of the acoustic signal received using at least two different acoustic microphones(10,11) of the at least two acoustic microphones when the VAD indicates that user voicing activity is absent(17,18); and removing acoustic noise from at least one of the acoustic signals by applying at least one of the at least two transfer functions(12,13) to the acoustic signals and generating denoised acoustic signals (see figs 1-2 and col. 2 line 15-col. 3 line 68); but Silverberg does not explicitly teach receiving a voice activity signal that includes information on vibration of human tissue associated with human voicing activity of a user.

However, Holzrichter teaches receiving a voice activity signal that includes information on vibration of human tissue associated with human voicing activity of a user(see fig. 5 (43) and see col. 15 line 29-col. 16 line 3 and col. 60 line 19-30)

Therefore, it would have obvious to one of ordinary skill in the art the time the invention was made to combine the teaching of Holzrichter into Silverberg to produce more accurate speech coding.

Consider claims 2-3 Silverberg teaches removing noise further comprises: generating transfer function of the at least two transfer functions to be representative of a ratio of energy of the acoustic signal received when the VAD indicates that user voice activity is present; and removing noise from the acoustic signals using at least one

combination of the at least function two transfer functions and the at least one second transfer function to generate the denoised acoustic signals(see fig.1 and col. 2 line 15-68); and the of acoustic signals include at least one reflection inherently ( because, the noise and desired signal bounds around the first and second microphone) of at least one associated noise source signal and at least one reflection of at least one acoustic source signal(see fig. 1 and col. 2 line 15-68).

Consider claims 6 and 8 Silverberg teaches generating the at least function two transfer functions comprises recalculating the at least one two transfer functions during at least one prespecified interval(see fig. 1 and col. 2 line 15-col. 3 line 24); and generating the at least function two transfer functions comprises use of at least one technique selected from a group consisting of adaptive techniques and recursive techniques(see fig. 1 and col. 2 line 15-col. 3 line 24).

Consider claims 21-22, they are essentially similar to claims 6 and 8 and are rejected for the reason stated above apropos to claims 6 and 8.

Consider claims 9-11, Silverberg as modified by Holzrichter teaches that the method of information on the vibration of human tissue is provided by a sensor (in Holzrichter such as, motion sensor) in contact with the skin (in Holzrichter see figs 3a-3b(29,30,33)) and see col. 14 line 46-col. 15 line 18); and the method of information on the vibration of human tissue is provided via at least one sensor selected from among at least one of an accelerometer, a skin surface microphone in physical contact with skin of a user, a human tissue vibration detector, a radio frequency (R.F) vibration detector, and a laser vibration detector( in Holzrichter see figs 3a-3b(29,30,33) and see col. 14 line 46-col. 15

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line 18); and the human tissue is at least one of on a surface of a head, near the surface of the head, on a surface of a neck, near the surface of the neck, on a surface of a chest, and near the surface of the chest(in Holzrichter see figs 3a-3b(29,30,33)) and see col. 14 line 46-col. 15 line 18).

Consider claim 16, it is essentially similar to claim 9 and are rejected for the reason stated above apropos to claim 9.

Consider claim 17, it is essentially similar to claim 10 and are rejected for the reason stated above apropos to claim 10.

Consider claim 15 it is essentially similar to claim 11 and is rejected for the reason stated above apropos to claim 11.

Consider claim 12 Silverberg teaches a method for removing noise from acoustic signals, comprising:

receiving two acoustic signals using two directional acoustic microphones positioned in two locations(see fig.1 (10, 11));

generating a voice activity detection (VAD) signal using the voice activity signal(17,18);

generating at least two transfer functions(13, 13) representative of the ratio of energy of the acoustic signal received using the two acoustic microphones(10, 11) when the VAD indicates that user voicing activity is absent; and removing acoustic noise from the acoustic signal of one of the microphones by applying at least one of the at least two transfer functions to the acoustic signal from that microphone and generating a denoised acoustic signal(see figs 1-2 and col. 2 line 15-col. 3 line 68); but Silverberg

does not explicitly teach receiving a voice activity signal that includes information on vibration of human tissue associated with human voicing activity of a user.

However, Holzrichter teaches receiving a voice activity signal that includes information on vibration of human tissue associated with human voicing activity of a user(see fig. 5 (43) and see col. 15 line 29-col. 16 line 3 and col. 60 line 19-30)

Therefore, it would have obvious to one of ordinary skill in the art the time the invention was made to combine the teaching of Holzrichter into Silverberg to produce more accurate speech coding.

Consider claim 13 Silverberg teaches the at least one acoustic noise source signal includes at least one reflection inherently ( because, the noise and desired signal bounds around the first and second microphone) of at least one associated acoustic noise source signal(see fig. 1 and col. 2 line 15-68).

Consider claim 26 Silverberg teaches a system for removing acoustic noise from the acoustic signals, comprising:

a receiver that receives at least two acoustic signals via at least two acoustic microphones positioned in a plurality of locations (see fig.1 (10, 11 ));

a processor coupled among the receiver (see fig.1 and col. 3 line 39) and the at least one sensor that generates a plurality of transfer functions(12,13), wherein the plurality of transfer functions includes a first transfer function representative of a ratio of energy of acoustic signals received using at least two different acoustic microphones(10,11) of the at least two acoustic microphones (10,11), wherein the first transfer function is generated in response to a determination that voicing activity is absent from the

acoustic signals for a period of time, wherein the plurality of transfer functions includes a second transfer function representative of the acoustic signals, wherein the second transfer function is generated in response to a determination that voicing activity is present in the acoustic signals for the period of time, wherein acoustic noise is removed from the acoustic signals using one of the first transfer function and at least one combination of the first transfer function and the second transfer function to produce the denoised acoustic data stream(see figs 1-2 and col. 2 line 15-col. 3 line 68); but Silverberg does not explicitly teach receiving a voice activity signal that includes information on vibration of human tissue associated with human voicing activity of a user.

However, Holzrichter teaches receiving a voice activity signal that includes information on vibration of human tissue associated with human voicing activity of a user(see fig. 5 (43) and see col. 15 line 29-col. 16 line 3 and col. 60 line 19-30)

Therefore, it would have obvious to one of ordinary skill in the art the time the invention was made to combine the teaching of Holzrichter into Silverberg to produce more accurate speech coding.

Consider claim 28 Silverberg as modified by Holzrichter teaches that the sensor includes a mechanical sensor (such as, motion sensor) in contact with the skin (In Holzrichter see figs 3a-3b(29,30,33)) and see col. 14 line 46-col. 15 line 18);

Consider claim 29 Silverberg as modified by Holzrichter teaches at least one sensor selected from among at least one of an accelerometer, a skin surface microphone in physical contact with skin of a user, a human tissue vibration detector, a radio frequency



(R.F) vibration detector, and a laser vibration detector( in Holzrichter, see figs 3a-3b(29,30,33) and see col. 14 line 46-col. 15 line 18);

Consider claim 30 Silverberg as modified by Holzrichter teaches at least one of on a surface of a head, near the surface of the head, on a surface of a neck, near the surface of the neck, on a surface of a chest, and near the surface of the chest(In Holzrichter see figs 3a-3b(29,30,33)) and see col. 14 line 46-col. 15 line 18).

Consider claims 38 and 41, they are essentially similar to claim 30 and are rejected for the reason stated above apropos to claim 30.

Consider claim 32 Silverberg teaches the system wherein the receiver includes a plurality of independently located microphones(see fig.1 (10,11)).

Consider claim 35 Silverberg teaches a signal processing system coupled among a user and an electronic device (see fig.1), wherein the signal processing system includes a denoising subsystem for removing acoustic noise from acoustic signals, the denoising subsystem comprising a processor(see fig.1 and col. 3 line 3-9) coupled among a receiver (10,11)and at least one sensor, wherein the receiver is coupled to receive the acoustic signals via at least two microphones(10,11), wherein the processor generates a plurality of transfer functions(12,13), wherein a first transfer function representative of a ratio of acoustic energy received by the two microphones(10,11) is generated in response to a determination that voicing activity is absent from the acoustic signals for a specified period of time, wherein second transfer function representative of the acoustic signals is generated in response to a determination that voicing activity is present in the acoustic signals for a specified period of time, wherein acoustic noise is removed from

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the acoustic signals using one of the first transfer function and at least one combination of the first transfer function and the second transfer function to produce a denoised acoustic data stream(see figs 1-2 and col. 2 line 15-col. 3 line 68); but Silverberg does not explicitly teach the at least one sensor detects human tissue vibration associated with human voicing activity of a user.

However, Holzrichter teaches the at least one sensor detects human tissue vibration associated with human voicing activity of a user (see fig. 5 (43) and see col. 15 line 29-col. 16 line 3 and col. 60 line 19-30)

Therefore, it would have obvious to one of ordinary skill in the art the time the invention was made to combine the teaching of Holzrichter into Silverberg to produce more accurate speech coding.

Consider claim 37, Silverberg as modified by Holzrichter teaches that the system of the at least one electronic device includes at least one of cellular telephones, personal digital assistants, portable communication devices, computers, video cameras, digital cameras, and telematics systems (in Holzrichter, see col. 16 line 51-67).

Consider claim 39, Silverberg teaches a computer readable medium comprising executable instructions which, when executed in a processing system, remove acoustic noise from received acoustic signals by (see figs. 1-2 and col. 3 line 3-9):

receiving at least one two acoustic (see fig.1 (10, 11));

generating a first transfer function(12) representative of a ratio of energy of the acoustic signals upon determining that voicing activity is absent from the at least two acoustic signals for a specified period of time; and

generating a second transfer function(13) representative of the at least two acoustic signals upon determining that voicing activity is present in the at least two acoustic signals for the specified period of time; and

removing the acoustic noise from the at least two acoustic signals using one of the first transfer function and at least one combination of the first transfer function and the second transfer function to produce the at least one denoised acoustic data stream (see figs 1-2 and col. 2 line 15-col. 3 line 68); but Silverberg does not explicitly teach receiving human tissue vibration information associated with human voicing activity of a user.

However, Holzrichter teaches receiving human tissue vibration information associated with human voicing activity of a user (see fig. 5 (43) and see col. 15 line 29-col. 16 line 3 and col. 60 line 19-30)

Therefore, it would have obvious to one of ordinary skill in the art the time the invention was made to combine the teaching of Holzrichter into Silverberg to produce more accurate speech coding.

4. Claims 31 and 45-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Silverberg et al (US PAT. 5,406,622) as modified by Holzrichter (US PAT. 5,729,694) as applied to claims 1, 12 and 26 above, and further in view of Cezanne et al. (US PAT. 5,473,701).

Consider claim 31, Silverberg as modified by Holzrichter does not explicitly teach

the system further comprising: dividing acoustic data of the acoustic signals into a plurality of subbands; generating a transfer function representative of the ratio of acoustic energies received in each microphone in each subband; removing acoustic noise from each of the plurality of subbands using a transfer function, wherein a plurality of denoised acoustic data streams are generated; and combining the plurality of denoised acoustic data streams to generate the at denoised acoustic data stream.

However, Cezanne teaches the system further comprising:

dividing acoustic data of the acoustic signals into a plurality of subbands (see fig. 3, fig. 7);

generating a transfer function representative of the ratio of acoustic energies received in each microphone in each subband(see abstract);

removing acoustic noise from each of the plurality of subbands using a transfer function, wherein a plurality of denoised acoustic data streams are generated; and combining the plurality of denoised acoustic data streams to generate the at denoised acoustic data stream (see col. 5 line 35-col. 6 line 50 and col.7 line 46-col.8 line 23).

Therefore, it would have obvious to one of ordinary skill in the art the time the invention was made to combine the teaching of Cezanne into the teaching of Holizrichter and Silverberg to provide a desirable level of noise rejection, they may be of limited usefulness in situations where noise sources move in relation to the array.

Consider claims 45-46, they are essentially similar to claim 31 and are rejected for the reason stated above apropos to claim 31.

5. Claims 47-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Silverberg et al (US PAT. 5,406,622) as modified by Holzrichter (US PAT. 5,729,694) as applied to claims 1, 12 and 26 above, and further in view of Bradley et al. (US PAT. 5,463,694).

Consider claim 47, Silverberg as modified by Holzrichter does not explicitly teach the at least two acoustic microphones comprise a first directional acoustic microphone and a second directional acoustic microphone, wherein the first directional acoustic microphone and the second directional acoustic microphone selectively attenuate the acoustic signals based on the direction of arrival.

However, Bradley teaches the at least two acoustic microphones comprise a first directional acoustic microphone and a second directional acoustic microphone, wherein the first directional acoustic microphone and the second directional acoustic microphone selectively attenuate the acoustic signals based on the direction of arrival (see figs. 1-4 and col. 3 line 33-col. 4 line 68).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the unidirectional microphone array of Bradley in the invention of Silverberg.

The motivation for doing so would have been to reduce the size and complexity of the microphone system of Silverberg as taught by Bradley (co1.2 ln.48-52).

Consider claims 48 and 49, they are essentially similar to claim 47 and are rejected for the reason stated above apropos to claim 47.

***Response to Arguments***

6. Applicant's arguments with respect to claims 1-3, 6, 8-13, 15-17, 21-22, 26, 28-32, 35, 37-39, 41 and 46 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. The prior art made of record and not relied upon is considered to applicant's disclosure. Valve et al. (US PAT. 6,707,910) is recited to show other related the voice activity detector (VAD) based multiple-microphone acoustic noise suppression.

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9. Any response to this action should be mailed to:

Mail Stop \_\_\_\_ (explanation, e.g., Amendment or After-final, etc.)

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Facsimile responses should be faxed to:  
**(571) 273-8300**

Hand-delivered responses should be brought to:  
Customer Service Window  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lao,Lun-See whose telephone number is (571) 272-7501. The examiner can normally be reached on Monday-Friday from 8:00 to 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin, can be reached on (571) 272-7848.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 whose telephone number is (571) 272-2600.

Lao,Lun-See  
/LUN-SEE LAO/  
Examiner, Art Unit 2614  
Patent Examiner  
US Patent and Trademark Office  
Knox  
571-272-7501  
Date 03-06-2009

/Vivian Chin/  
Supervisory Patent Examiner, Art Unit 2614